(N. S.) 1206; *Spangler* v. *St. Joseph & G. I .Ry. Co.*, 74 Pac. 607, 68 Kan. 46, 63 L. R. A. 634, 104 Am. St. Rep. 391; *Fewings* v. *Mendenhall*, 88 Minn. 336, 60 L. R. A. 601, 97 Am. St. Rep. 519, 93 N. W. 127; *McQuerry* v. *Metropolitan St. Ry. Co.*, 92 S. W. 912, 117 Mo. App. 255; ELLIS, ST. RY'S, Vol. I (2nd Ed.) § 274, and cases there cited. Some courts hold, however, that only ordinary care is required; *Chicago, etc. R. Co.*, v. *Pillsbury*, 123 Ill. 9, 14 N. E. 23, 5 Am. St. Rep. 483; *Exton* v.*Central R. Co.*, 63 N. J. L. 356, 46 Atl. 1099, 56 L. R. A. 508; *Tall* v. *Baltimore, etc. Co.*, 90 Md. 248, 44 Atl. 1007, 47 L. R. A. 120; *Illinois, etc. R. Co.* v. *Minor*, 69 Miss. 710, 11 South. 401, 16 L. R. A. 627. As to the degree of care required in protecting passengers against the lawless acts of strangers, see 4 ELLIOTT, RAILROADS, § 1591, § 1639. *Missimer* v. *Philadelphia R. R. Co.*, 17 Phila. 172; *Fewing* v. *Mendenhall, supra; Hillman* v. *Georgia R. and Banking Co.*, 126 Ga. 814, 56 S. E. 68.

CONSTITUTIONAL LAW—DIVISION OF POWERS—INFRINGEMENT ON EXECUTIVE. —Plaintiff asked for an injunction to restrain the board of election commissioners, consisting of three members (one of whom was the Governor of the State), from submitting a proposed new constitution to a vote of the people as was provided by law. *Held,* that the duties imposed upon the Governor as a member of the board of election commissioners were ministerial and did not pertain to the functions of the gubernatorial office, and consequently his presence upon that board would not preclude the issuance of the desired writ. *Ellingham, Secretary of State et al.* v. *Dye* (Ind. 1912) 99 N. E. 1.

By granting a restraining order against a board of which the Governor of the State is a member, the court follows the weight of authority on a question which presents irreconcilable conflict. For a collection of cases on the precise point raised in the principal case see 10 MICH. L. REV. 655. While most of the cases which have arisen on the question involved have been in the nature of mandamus proceedings, yet they are in point since the writs of mandamus and injunction are held to be correlative. POMEROY'S, EQUITY JURISPRUDENCE, Vol. I, § 328; *Noble* v. *Union River Logging Ry.*, 174 U. S. 172, 13 Sup. Ct. 273; *Board of Liquidation* v. *McComb*, 92 U. S. 531; *State ex rel. Lamb* v. *Cunningham*, 83 Wis. 90 (127), 51 N. W. 724, 17 L. R. A. 145, 35 Am. St. Rep. 37; *Mott* v. *Pennsylvania R. Co.*, 30 Pa. 9, 72 Am. Dec. 664.

CONSTITUTIONAL LAW—EMINENT DOMAIN—SUPERSEDURE OF ORDINANCE OF 1787.—The Louisville & Nashville Railway Company instituted proceedings for the condemnation of an easement across a waterfront strip of land donated to and used by the city of Cincinnati for a public landing. The city filed a bill asking that the railroad company be enjoined, contending that the statute, under which the proceedings were authorized, was contrary to the Ordinance of 1787 for the Government of the Northwest Territory. *Held,* that the Ordinance of 1787 was not a restriction on the power of eminent domain of the State of Ohio *after* its admission into the Union. *City of Cincinnati* v. *Louisville & Nashville Railroad Co.* (1912) 32 Sup. Ct. 267.